

IFW

UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/763,976	01/23/2004	Jerome S. Harms	P02215US (2240/3)

CONFIRMATION NO. 7883

FORMALITIES LETTER



Frank C. Nicholas
CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, IL 60201

Date Mailed: 05/11/2004

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE
DISCLOSURES**

Filing Date Granted

Applicant is given **TWO MONTHS FROM THE DATE OF THIS NOTICE** within which to file the items indicated below to avoid abandonment. Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

- This application clearly fails to comply with the requirements of 37 CFR. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Replies should be mailed to: Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450

Alexandria VA 22313-1450

*A copy of this notice **MUST** be returned with the reply.*

A handwritten signature in dark ink, appearing to read "Murray", is written over a horizontal line.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

TRANSMITTAL FORM



Attorney Docket No.	P02215US (2240/3)
Application Number	10/763,976
Filing Date	JANUARY 23, 2004
First Named Inventor	JEROME S. HARMS
Group Art Unit	
Examiner	

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Response to a Notice to Comply with Requirements for Patent Applications containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures Dated May 11, 2004 <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Status Letter <input type="checkbox"/> Extension of Time Request (duplic) <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement, PTO-1449, art <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/ Incomplete Application	<input type="checkbox"/> Assignment Papers <input type="checkbox"/> Drawings: <input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Petition Routing Slip (PTO/SB/69) and Accompanying Petition <input type="checkbox"/> To Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Small Entity Statement <input type="checkbox"/> Request of Refund	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input checked="" type="checkbox"/> Post Card Receipt <input checked="" type="checkbox"/> Additional Enclosure(s) (please identify below): <input checked="" type="checkbox"/> Notice to Comply with Requirements for Patent Applications Containing Nucleotide Sequence and/or Amino Acid Sequence Disclosures <input checked="" type="checkbox"/> Master Sequence List <input checked="" type="checkbox"/> Computer readable form (CRF) copy of the Sequence Listing in compact disk media format ISO 9660
<input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any fees which may be required, or credit any overpayment, to Deposit Account No. 50-1713. A duplicate copy of this sheet is enclosed.		
<input checked="" type="checkbox"/> I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 50-1713. A duplicate copy of this sheet is enclosed.		

CALCULATION OF FEE

	Claims After Amendment		Highest No. Previously Paid For	Present Extra
Total		Minus		
Indep.		Minus		
First Presentation of Multiple Dep. Claim				

Small Entity		or	Large Entity	
Rate	Add'l Fee		Rate	Add'l Fee
x \$9=	0		x \$18=	
x \$43=	0		x \$86=	
+\$145=	---		+ \$290=	
total add'l fee			total add'l fee	
\$ 0			\$	

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm or Individual name	FRANK C. NICHOLAS Registration No. 33,983 CARDINAL LAW GROUP 1603 Orrington Avenue, Suite 2000 Evanston, IL 60201	Date	July 1, 2004
Signature			
CERTIFICATE OF MAILING			
I hereby certify that this correspondence is being deposited with the U.S. Postal Service as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22202-1450 on this date: <u>July 1, 2004</u>			
Signature	 FRANK C. NICHOLAS (33,983)	Date:	July 1, 2004



Certificate of Mailing
I hereby certify that this correspondence is being
deposited with the United States Postal Service as first
class mail in an envelope addressed to Commissioner for
Patents, P.O. Box 1450, Alexandria, VA 22202-1450 on
July 1, 2004
(Date of Deposit)

FRANK C. NICHOLAS (33,983)
Name of applicant, assignee or registered representative
Frank C. Nicholas
Signature
July 1, 2004
Date of Signature

Case No. P02215US
(2240/3)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re patent application of:)
JEROME S. HARMS, ET AL.)
Serial No.: 10/763,976)
Filed: JANUARY 23, 2004)
Title: INDUCIBLE PROTEIN EXPRESSION)
SYSTEM)

**RESPONSE TO A NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT
APPLICATIONS CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO
ACID SEQUENCE DISCLOSURES DATED MAY 11, 2004**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22202-1450

To Whom It May Concern:

This is a response to a Notice to Comply dated May 11, 2004. The Applicants
respond as follows:

-- REMARKS --

A Notice to Comply was mailed to the Applicants on May 11, 2004. The Notice pertains to the requirements for patent applications containing nucleotide sequence and/or amino acid sequence disclosures. In an effort to fulfill the obligations of the Notice, the Applicants hereby submit thirteen sequences corresponding to the thirteen SEQ ID NOs and the FIGS. of the Application. Applicants request that the Application be amended to include these Sequence Listings and that the amendment be entered into the Application.

Applicants have provided an initial computer readable form (CRF) copy of the Sequence Listing in compact disk media format ISO 9660. The content of the sequence listing provided in computer readable form is identical to the written sequence provided on compact disc. The sequence listing does not include new matter.

Accordingly, the Application now stands complete and in compliance with the requirements of 37 CFR 1.821 – 1.825.

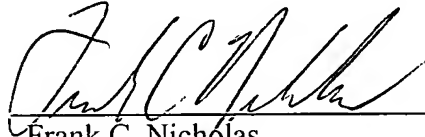
SUMMARY

The Applicants submit herein thirteen sequence listings thereby bringing the Application in compliance with 37 CFR 1.821 – 1.825.

Dated: **July 1, 2004**

Respectfully submitted,
JEROME S. HARMS, ET AL.

CARDINAL LAW GROUP
Suite 2000
1603 Orrington Avenue
Evanston, Illinois 60201
Phone: (847) 905-7111
Fax: (847) 905-7113



Frank C. Nicholas
Registration No. 33,983
Attorney for Applicants